

SCANNED

DATE _____

BY: _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY
CORPORATION,

Defendant.

C.A. No. 04-11362-RWZ

ASSENTED-TO MOTION TO ENLARGE TIME

The plaintiff Barry Linton ("Linton") hereby moves that Linton's time to respond to the Defendant's Motion to Dismiss shall be extended to and including September 3, 2004. Presently, Linton's response is due on August 6, 2004. As indicated below the defendant has assented to this motion.

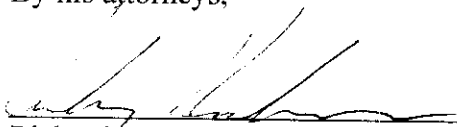
WHEREFORE, plaintiff Barry Linton prays that the Court allow this motion and enlarge the time in which he must file his response to the defendant's Motion to Dismiss from August 6, 2004 to September, 3, 2004.

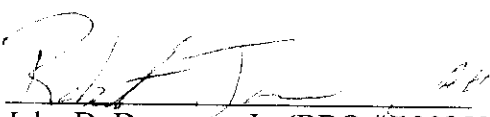
BARRY LINTON

NEW YORK LIFE INSURANCE
AND ANNUITY CORPORATION.

By his attorneys,

By its attorneys,


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Dated: July 29, 2004